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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,840	02/17/2004	Syuji Okamoto	1217-040286	9170

28289 7590 11/29/2004

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EXAMINER

ZALUKAEVA, TATYANA

ART UNIT PAPER NUMBER

1713

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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S.C.

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20041121

DATE MAILED:

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**Commissioner for Patents**

1. The reply filed on 08/27/2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Claims 1 and 2 initially presented were drawn to a CATALYST. Applicants received Office Action that fully addressed the claimed catalyst. In the amendment of 08/27/2004, Applicants cancelled claims 1 and 2 and presented new claims 3 and 4 directed to a COMPOSITION. If initially presented these two sets of claims would have been restricted on the basis of intermediate-final relationship, wherein the intermediate compound has a utility by itself, which is different than claimed in claims 3 and 4, such as being a catalyst for polymerization of ethylene, which is admitted by Applicants. Therefore, newly submitted claims directed to an invention that is independent or distinct from the invention originally claimed for the following reasons above. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 3 and 4 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Since claims 1 and 2 are cancelled, there are no claims to examine. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. See 37 CFR 1.111. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Tatyana Zalukaeva  
Primary Examiner  
Art Unit: 1713